

HOUSE BILL 875

E4, E1

2lr3132
CF SB 421

By: **Delegates Conway, Cane, Jacobs, Malone, Otto, Rudolph, and Wood**

Introduced and read first time: February 9, 2012

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2012

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Explosives – Package of Components**

3 FOR the purpose of altering the definition of “explosives” to include two or more
4 components that are ~~packaged together for sale and when combined create a~~
5 ~~bomb or destructive device designed to operate by chemical, mechanical, or~~
6 ~~explosive action~~ advertised and sold together with instructions on how to
7 combine the components to create a certain explosive; and generally relating to
8 explosives.

9 BY repealing and reenacting, without amendments,
10 Article – Public Safety
11 Section 11–101(a), 11–105(a), and 11–114
12 Annotated Code of Maryland
13 (2011 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article – Public Safety
16 Section 11–101(c)
17 Annotated Code of Maryland
18 (2011 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Public Safety**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 11-101.

2 (a) In this subtitle the following words have the meanings indicated.

3 (c) (1) “Explosives” means gunpowder, powders for blasting, high
4 explosives, blasting materials, fuses other than electric circuit breakers, detonators
5 and other detonating agents, smokeless powder, and any chemical compound or
6 mechanical mixture that contains oxidizing and combustible units or other ingredients
7 in such proportions, quantities, or packing that ignition by fire, friction, concussion,
8 percussion, or detonation of any part of the compound or mixture may and is intended
9 to cause an explosion.

10 (2) “Explosives” includes:

11 (I) bombs and destructive devices designed to operate by
12 chemical, mechanical, or explosive action; AND

13 (II) TWO OR MORE COMPONENTS THAT ARE ~~PACKAGED~~
14 ~~TOGETHER FOR SALE AND WHEN COMBINED CREATE A BOMB OR DESTRUCTIVE~~
15 ~~DEVICE DESIGNED TO OPERATE BY CHEMICAL, MECHANICAL, OR EXPLOSIVE~~
16 ~~ACTION~~ ADVERTISED AND SOLD TOGETHER WITH INSTRUCTIONS ON HOW TO
17 COMBINE THE COMPONENTS TO CREATE AN EXPLOSIVE, AS DEFINED IN
18 PARAGRAPH (1) OF THIS SUBSECTION.

19 (3) “Explosives” does not include fixed ammunition for small arms,
20 small arms ammunition primers, small arms percussion caps, safety and pyrotechnic
21 fuses, quills, quick and slow matches, friction primers, fireworks, or common matches
22 when used in their original configuration.

23 11-105.

24 (a) Except as otherwise provided in this subtitle, a person shall obtain a
25 license issued under this subtitle before the person engages in business as a
26 manufacturer or dealer, possesses explosives other than explosives for use in firearms,
27 or possesses or stores explosives for use in firearms in the State.

28 11-114.

29 (a) Except as otherwise provided in this subtitle, a person may not engage in
30 business as a manufacturer or dealer in the State unless the person is licensed under
31 this subtitle.

32 (b) Except as otherwise provided in this subtitle, a person may not possess
33 explosives other than explosives for use in firearms in the State unless the person is
34 licensed under this subtitle.

1 (c) Except as otherwise provided in this subtitle, a dealer may not sell,
2 barter, give, or dispose of explosives other than explosives for use in firearms to a
3 person unless the person is licensed under this subtitle.

4 (d) The owner or operator of a mine, quarry, or other operation that uses
5 explosives, and a contractor performing work that uses explosives, may not engage in
6 business as a dealer in the State unless the person is licensed under this subtitle.

7 (e) An employee of an owner or operator of a mine, quarry, or other operation
8 that uses explosives, or of a contractor performing work that uses explosives, may not
9 possess explosives in a place not necessary for the employee to perform the employee's
10 duties unless the employee is licensed to possess explosives under this subtitle.

11 (f) A person may not violate a regulation adopted under this subtitle.

12 (g) Except as otherwise provided in § 11–116 of this subtitle, a person who
13 violates this section is guilty of a misdemeanor and on conviction is subject to
14 imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.